

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

EARL BURNS,

Plaintiff,

Case No. 14-cv-11814

v

Honorable Thomas L. Ludington
Magistrate Judge Patricia T. Morris

HOYT NURSING HOME & REHAB CENTER and
JON. R. REARDON,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION
AND GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

On May 6, 2014, Plaintiff Earl Burns filed his *pro se* complaint against his former employer Hoyt Nursing Home and its president, Jon Reardon. Burns alleges that he was terminated in retaliation for charges of harassment he made against his supervisor.

On July 16, 2014, Defendants filed a motion to dismiss and/or motion for summary judgment. On November 25, 2014, Magistrate Judge Patricia T. Morris issued a report recommending that Defendants' motion for summary judgment be granted. Judge Morris noted that Burns's harassment grievance was not a protected activity under Title VII and that he was not harassed because of his membership in a protected class. Accordingly, Judge Morris concluded that Burns had not established a prima facie case of retaliation under Title VII.

Although Magistrate Judge Morris's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendants filed any objections. The election not to file objections to the Magistrate Judge's report releases the Court from its duty to independently review the record.

Thomas v. Arn, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation (ECF No. 13) is **ADOPTED**.

It is further **ORDERED** that Defendant's motion for summary judgment (ECF No. 10) is **GRANTED** and Plaintiff's Complaint (ECF No. 1) is **DISMISSED WITH PREJUDICE**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: December 16, 2014

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney of record herein by electronic means and on Earl Burns, 3530 Hess St., Saginaw, MI 48601 by first class U.S. mail on December 16, 2014.

s/Tracy A. Jacobs
TRACY A. JACOBS